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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,088	10/10/2001	Frederick Allan Hall	3265-011733	7688

7590 11/20/2002

Russell D. Orkin  
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1818

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,088

Applicant(s)

HALL, FREDERICK ALLAN

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Not. Err. Mail

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## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on October 10, 2000. It is noted, however, that applicant has not filed a certified copy of the British application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Akeroyd (GB 2077838).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The gate 12 is considered to be in the shape of a wire since wire can have many configurations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Bonaiti (EP 318742).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The barrel is rotated to lock and unlock the gate. The difference is that the carabiner has a barrel that is not screw threaded. Bonaiti (figures 1-4) teaches that it is conventional to provide a hook with a screw threaded barrel 19 to lock the pivotally connected gate wherein the barrel 19 has an outer configuration with ridges that would be more easily grasped and turned and by having such a configuration provides areas of greater thickness along the circumference of the barrel and greater securement when locked in position. It would have been obvious to modify the rotating barrel of the carabiner of Akeroyd so that the barrel is screw threaded to lock the gate in view of Bonaiti suggesting that it is conventional to provide a hook with a screw threaded barrel 19 to lock the pivotally connected gate wherein the barrel 19 has an outer configuration with ridges that would be more easily grasped and turned and by having such a configuration provides areas of greater thickness along the circumference of the barrel and greater securement when locked in position. As to claim 4, Bonaiti suggest the use of a double locking barrel 19, 14 as

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providing greater securement thereby rendering obvious the use of a double locking barrel.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Brainerd et al. (US 5878834).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The difference is that the material of the barrel and its ability to withstand forces on the order of 25kN is unstated. However, it is well known in this field of endeavor as evidenced by Brainerd et al. (figures 1-8) that high quality metals with good durability such as stainless steels, 4130 alloy steels, titanium or aluminum are needed for the gate structure (col. 4, lines 19-21). It would have been obvious to use a barrel of adequate strength in view of Brainerd et al. teaching that durability is important in carabiner gate structure and that various metals such as stainless steels, 4130 alloy steels, titanium or aluminum are needed to provide such durability.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akeroyd (GB 2077838) in view of Nebot (WO 93/25822).

Akeroyd (figures 1-4) teaches carabiner structure including a body 10 that is generally C-shaped, even with the eyelet portion 11, with its free ends curved toward

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each other and forming a gap therebetween, and a gate on one end of the body for closing the gap, the gate having a locking barrel 14 thereon, the barrel 14 having a greater thickness 15 on the face of the barrel that is outermost when it is in the position of locking the gate in a closed position. The difference is that the gate is not shown as solid. It would have been obvious to utilize a solid gate in view of Nebot (figures 5-8) teaching the use of a solid gate 2 as being desirable for strength.

### ***Allowable Subject Matter***

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

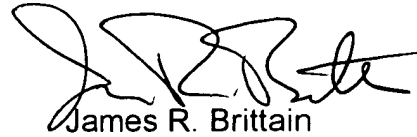
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Vala (US 1388494), Barber (US 6223372), Isenhardt (US 4802264), Kloster (US 5940943), Maurice et al. (US 5791025), and Petzl et al. (US 5608953) teach pertinent hook structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J. R. Brittain', with a stylized flourish at the end.

James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
November 18, 2002

Application/Control Number 09/975,088  
Art Unit 3677

Attachment to Paper No. 6

### Notice Regarding Treatment of Irradiated Correspondence

The following papers have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process:

Mailroom Stamp Date

7/15/02

Certificate of Mailing Date

7/8/02

The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

### COPY OF PAPERS ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.